

TABLE OF CONTENTS

(Note: Throughout the guide you will notice addresses to the IRS Intranet site. These web locations are accessible only to IRS personnel. Additionally, no Internet or Intranet web references indicated in this document are hyperlinked.)

Part I-Introduction

- A. Purpose of Guide
- B. Abusive Tax Shelter History
- C. Characteristics of Abusive Tax Shelters
- D. Known Abusive Tax Shelter Arrangements
 - 1. Introduction to Listed Transactions
 - 2. Listed Transactions
 - 3. Abusive Transactions Not Listed

Part II-Judicial Doctrines Used to Combat Abusive Tax Shelters

- A. Introduction
- B. Judicial Doctrines
- C. Case Analysis
 - 1. Gregory v. Helvering
 - 2. ACM
 - 3. ASA
 - 4. SABA
 - 5. Winn-Dixie
 - 6. C.M. Holdings, Inc.
 - 7. American Electric Power, Inc
 - 8. Rice's Toyota World
 - 9. UPS

Part III-Sources for Identification of Tax Shelters

- A. OTSA Information
 - 1. Disclosure Statements
 - 2. Tax Shelter Registrations
 - 3. Tax Shelter Survey
 - 4. Tax Shelter Hotline
 - 5. Conclusion
- B. Technical Advisors
- C. Tax Return Information

1. Schedule M Analysis
2. Flow-through Entities
3. Return Line Items and Specific Tax Return Lines

D. Other Information Sources

1. Financial Statements
2. Board of Directors
3. SEC Reports
4. News and Magazine Articles
5. Web Sites
6. Comparison of Company Organizational Charts
7. Taxpayer Profile

E. Additional Tools

1. Mandatory IDR's for Listed Transactions
2. Corporate Tax Shelter Check Sheet

Part IV-Case Development

1. Reserved
2. Business Purpose/Economic Substance
3. Transaction Costs
4. Exit Strategy
5. Accuracy Related and Fraud Penalties

B. Information Gathering

1. Formal Document Request
2. Summons
3. Attorney Client Privilege

C. Assistance

1. Field Specialists Assistance
2. Counsel
3. Use of Outside Experts
4. Reserved
5. Time Reporting

D. Appeals

1. Appeals Coordinated Issue Program (ACI)
2. Fast Track Dispute Resolution Program

